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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,230

01/27/2004

Lawrence Chee

VP0081.C2

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06/12/2007

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
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EXAMINER

SHEETS, ELIJAH M

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,230	Applicant(s) CHEE ET AL.	
	Examiner Eli M. Sheets	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/27/2004.

WU LE
SUPERVISORY PATENT EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections-Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,226,016 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because applicant's claims are simply a broader view of claims in the previously granted patent.

Claim 1 is rejected as the claim limitations put forth in applicant's claim 1 are an obvious variation of that which is claimed in claim 1 of US Patent No. 6,226,016 B1.

Claim 2 is rejected as the claim limitations put forth in applicant's claim 2 are an obvious variation of that which is claimed in claim 2 of US Patent No. 6,226,016 B1.

Claim 3 is rejected as the claim limitations put forth in applicant's claim 3 are an obvious variation of that which is claimed in claim 3 of US Patent No. 6,226,016 B1.

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Claim 4 is rejected as the claim limitations put forth in applicant's claim 4 are an obvious variation of that which is claimed in claim 4 of US Patent No. 6,226,016 B1.

Claim 5 is rejected as the claim limitations put forth in applicant's claim 5 are an obvious variation of that which is claimed in claim 5 of US Patent No. 6,226,016 B1.

Claim 6 is rejected as the claim limitations put forth in applicant's claim 6 are an obvious variation of that which is claimed in claim 6 of US Patent No. 6,226,016 B1.

Claim 7 is rejected as the claim limitations put forth in applicant's claim 7 are an obvious variation of that which is claimed in claim 7 of US Patent No. 6,226,016 B1.

Claim 8 is rejected as the claim limitations put forth in applicant's claim 8 are an obvious variation of that which is claimed in claim 8 of US Patent No. 6,226,016 B1.

Claim 9 is rejected as the claim limitations put forth in applicant's claim 9 are an obvious variation of that which is claimed in claim 9 of US Patent No. 6,226,016 B1.

Claim 10 is rejected as the claim limitations put forth in applicant's claim 10 are an obvious variation of that which is claimed in claim 10 of US Patent No. 6,226,016 B1.

Claim 11 is rejected as the claim limitations put forth in applicant's claim 11 are an obvious variation of that which is claimed in claim 11 of US Patent No. 6,226,016 B1.

Claim 12 is rejected as the claim limitations put forth in applicant's claim 12 are an obvious variation of that which is claimed in claim 12 of US Patent No. 6,226,016 B1.

Claim 13 is rejected as the claim limitations put forth in applicant's claim 13 are an obvious variation of that which is claimed in claim 13 of US Patent No. 6,226,016 B1.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eli Sheets whose telephone number is (571) 270-1189. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VU LE
SUPERVISORY PATENT EXAMINER